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SECURITY INFORMATION  
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REPORT

CD NO.

STAT

COUNTRY China  
SUBJECT Economic - Transportation, waterways  
carrier regulations  
HOW PUBLISHED Daily newspaper  
WHERE PUBLISHED Tientsin  
DATE PUBLISHED 20 Apr 1953  
LANGUAGE Chinese

DATE OF INFORMATION 1953

DATE DIST. 30 Nov 1953

NO. OF PAGES 6

SUPPLEMENT TO REPORT NO.

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SOURCE Tientsin Jih-pao

PROVISIONAL REGULATIONS CONCERNING TRANSPORT OF CARGOES  
ON NORTH CHINA INLAND WATERWAY SYSTEMS

[This report gives in full the Provisional Regulations Concerning Transportation of Cargoes, issued by the North China Inland Waterway Navigation Control Bureau, which became effective on 1 May 1953.]

North China Inland Waterway Navigation Control Bureau's Announcement

Investigation of the transportation of cargoes on the inland waterway systems under the jurisdiction of this control bureau has revealed that the lack of specific regulations governing this field is creating numerous problems between the shippers and the common carriers. To correct this situation, the Provisional Regulations Concerning the Transportation of Cargoes have been enacted by this control bureau. The regulations were approved by the Ministry of Communications, Central People's Government, and will become effective on 1 May 1953. Hereafter, all private and publicly owned shipping and transportation companies engaged in the business of transporting cargoes on the inland waterway systems under the jurisdiction of this control bureau shall adhere strictly to these regulations.

Attached herewith is a copy of the Provisional Regulations Concerning Transportation of Cargoes.

Li Ying-k'uei  
Deputy Chief of the North China  
Inland Waterway Navigation Control Bureau  
20 April 1953

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Provisional Regulations Concerning Transportation of Cargoes

1. All private and publicly owned ships engaged in the transport of cargoes on the inland waterway systems under the jurisdiction of this control bureau shall be governed by these regulations.
2. Transportation fees for cargoes shall be calculated according to the standard rates set up by this control bureau.
3. The common carriers are responsible for the cargoes from the completion of loading to the completion of unloading from ships.
4. All damages to cargoes caused by rain or sea water while in transit must be compensated by the common carriers.
5. For natural waste of cargoes while in transit, refer to Number 3, Volume II of the "Chinese Trade Regulations." The limitation for allowable amount of natural waste of cargoes while in transit shall be determined jointly by the shippers and the common carriers. When natural waste of cargoes exceeded the limit, the excessive portion of waste above the limitation must be compensated by the common carriers.
6. All cargoes to be weighed at the pier must be placed within 100 meters of the pier.
7. The common carriers are permitted to watch the weighing of cargoes to be shipped by the shippers. The shippers are responsible for all underweight and damaged goods, when discovered at the weighing point.
8. When, due to unnavigable condition of waterway, cargo has to be taken off the original ship and transferred to another vessel, thereby creating some loss of cargo, the shipper shall bear the loss of cargo, while the common carrier shall bear the costs of hiring another vessel.
9. The common carriers are not responsible for damages to, or loss of, the following commodities:
  - a. Gold, silver, stocks and bonds, antiques, etc.
  - b. Fresh products, domestic animals, marine products, insects, plants, etc., which require food or water while in transit, and all perishable products.
  - c. Military equipment.
  - d. Caskets, bones of the dead, ashes of the dead.
  - e. Items that require special attention, for which the common carriers refused in advance to take the responsibility.
10. The common carriers are not responsible for the damages to cargoes caused by the following:
  - a. Natural disasters and accidents which were beyond the control of human power.
  - b. Inflammation, explosion, decolorization, and deterioration caused by the nature of the items.
  - c. When the contents of a container are underweight, or do not tally with the outside markings.

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d. When cargoes are lost during assistance to another ship in distress.

11. The shippers are responsible for taking the necessary precautions to prevent occurrence of explosion, or the discharge of poisonous or dangerous fumes, when the nature of cargoes have such characteristics. When decolorizations or explosions have occurred through the negligence of the shippers, the common carriers are not responsible for the loss of or damages to the cargoes.

12. When ships cannot continue navigation due to adverse weather, the common carriers must notify the shippers immediately. The shippers must then decide whether the cargoes should be transferred to other vessels, or should be stored in warehouses. All expenses for and loss of cargoes through such operations must be borne by the shippers.

13. All expenses prior to loading or unloading of cargoes shall be borne by the shippers. The common carriers are responsible for loading or unloading cargoes to or from the ships. When there are no facilities for loading or unloading cargoes at the loading or unloading point, the shippers must provide such facilities.

14. The loading or unloading of cargoes will begin from the day after the arrival of the ship has been announced to the shippers or receivers. The loading or unloading of cargoes of less than 100 tons must be completed in one day, while the loading or unloading of cargoes of more than 100 tons must not exceed 2 days.

15. If after the arrival of cargoes has been announced to the receivers of the cargoes, the receivers do not specify the unloading time, the common carriers shall be allowed to unload the cargoes and put them in warehouses on their own initiative. In such cases, payment of storage fees must be borne by the receivers of the cargoes.

16. The navigable distance of a ship per day shall be 30 kilometers for going upstream and 50 kilometers for going downstream (except on the Hai Ho). Less than one full day shall be calculated as one full day. The ship inspection certificates shall be used as the proof for the calculation of traveling time.

17. Under the following circumstances, the shippers and the common carriers may work out a solution to avoid compensation or responsibility:

a. Weather conditions do not permit navigation, loading, or unloading of cargoes.

b. Sudden changes in the volume of river water, repairs or construction of waterways (including repairs or construction of bridges and piers).

c. Ship troubles.

d. Assisting another ship in distress.

e. Engaging in a special assignment for the government.

18. The common carriers may refuse to provide transportation services for the following types of cargoes:

a. Cargoes belonging to a shipper who does not comply with these regulations.

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b. Commodities under government restriction which do not have approval for transportation.

c. Cargoes which cannot be carried because of the structure of the ship or lack of necessary facilities on ship.

d. Cargoes which are not properly wrapped or crated.

e. Cargoes of unknown nature.

f. Prohibited goods.

19. The common carriers must inspect all cargoes to be transported, and demand that necessary corrections and adjustments be made by the shippers regarding inadequate or damaged containers, obscure markings, discrepancies in quantity, etc. before cargoes are received. When the shippers insist on sending cargoes without making the necessary corrections or adjustments, they must prepare statements showing all such defects for which they are responsible.

20. When the shippers want to cancel or reduce the amount of cargoes to be shipped after agreements have been reached between them and the common carriers, they must immediately notify the common carriers of such changes. If the common carriers do not take steps to provide services, the shippers may cancel the payment of fees with consent of the common carriers; however, if steps have already been taken by the common carriers to provide services, the shippers must pay the common carriers fees equivalent to the fees for the transport, for a distance of 15 kilometers, of the amount of cargo reduced or canceled.

21. When the shippers need to recall part of cargoes already loaded on the ship, they are responsible for any loss of cargoes through undertaking such an operation, and they must also pay the common carriers the equivalent amount of fees for the transportation of the amount of cargo unloaded for a distance of 50 kilometers.

22. When the common carriers fail to provide services within the specified time, or fail to supply sufficient shipping spaces, and thereby compel the shippers to pay storage fees or extra wages, the common carriers must compensate the shippers for all such expenses.

23. When shippers change the destination of cargoes while in transit, and if the new destination is less than half the original distance, the fees shall be calculated as half the original distance; if the new destination is more than half the original distance, the fees shall be calculated according to the actual distance served, plus 20 percent of the balance of original distance.

24. When the shippers recall their cargoes while in transit, they must pay transportation for both directions. The fees for such service shall be calculated as specified in Article 23.

25. All transportation fees shall be calculated according to the Transportation Fee Table, Commodity Classification Table, and the Regulations for Calculating Transportation Fees, all of which were issued by this control bureau.

26. Transportation of cargoes for less than 50 kilometers shall be calculated as 50 kilometers; more than 50 kilometers shall be calculated for the actual distance.

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27. When the shippers specify more than one destination for their cargoes to be unloaded, the farthest point to be served will be used for the calculation of fees for the entire cargo.

28. When the common carriers have to discontinue service for reasons specified either in Number 2 or Number 5 of Article 17 of these regulations, the transportation fees shall be calculated, for less than 50 kilometers; for more than 50 kilometers, as the actual distance served.

29. When the shippers change the destination of cargoes which have already arrived at the original destination, the common carriers may render such service by charging additional fees for 20 kilometers, even though the additional distance is less than 20 kilometers, without changing the original agreement; however, if the additional distance is more than 20 kilometers, a new agreement for additional service must be reached between the shippers and the common carriers.

30. When the cargoes consist of various kinds of commodities, the highest fee for a commodity in the group shall be used for the calculation of fees for the entire cargo.

31. Fees for a chartered ship shall be calculated by the full-load capacity of a ship.

32. Fees for a rented ship shall be calculated according to the full-load capacity of a ship, and the length of time the ship is to be rented.

33. The common carriers may charge the shippers 30 percent of the full-load capacity of a ship when an empty ship is brought in from another area to give urgently needed service.

34. Payment of transport fees shall be made as follows: If the cargo consists of the same type of commodities, the shippers shall pay 50 - 80 percent of the entire cost of fees when the agreement is made and pay the balance upon the arrival of the cargo at its destination. If the cargo consists of a mixture of various types of commodities, the shippers shall pay the entire fee at the completion of loading.

35. When the transportation of cargo is delayed for the following reasons, the shippers must compensate the common carriers, and vice versa, for each day of delay at the rate equivalent to the fees for the transportation of cargoes for 15 kilometers:

a. When the common carriers do not comply with the navigational distance, or the loading and unloading time specified in these regulations or in the agreements.

b. When delay is caused by imperfect or improper wrapping or crating of cargoes.

c. When the shippers are slow in getting the necessary entrance or exit permit for cargoes.

d. When navigation becomes impossible because of mistakes or miscalculations made by the common carriers.

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- e. When Articles 14 through 16 of these regulations are violated.
36. These regulations shall become effective pending the approval by the Ministry of Communications, Central People's Government.

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